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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK  
3 -----x

4 UNITED STATES OF AMERICA, New York, N.Y.  
5 v. 16 Cr. 324 (ALC)

6 EFRAIN GRANADOS CORONA,  
7 Defendant.  
8 -----x

9  
10 September 15, 2022  
11 11:40 a.m.

12 Before:

13 HON. ANDREW L. CARTER, JR. ,  
14 U.S. District Judge

15 APPEARANCES

16 DAMIAN WILLIAMS  
17 United States Attorney for the  
18 Southern District of New York  
BY: JACQUELINE KELLY  
ELINOR TARLOW  
Assistant United States Attorneys

19 MOSKOWITZ & BOOK  
20 Attorneys for Defendant  
BY: AVRAHAM C. MOSKOWITZ

21 ALSO PRESENT: ERIKA DE LOS RÍOS, Spanish Interpreter  
MARCIA GOTLER, Spanish Interpreter

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1 (Case called)

2 THE DEPUTY CLERK: Counsel, please state your  
3 appearances for the government.

4 MS. KELLY: Good morning, your Honor. Jacqueline  
5 Kelly and Elinor Tarlow for the government.

6 THE DEPUTY CLERK: And for the defendant?

7 MR. MOSKOWITZ: Good morning, your Honor. Avi  
8 Moskowitz on behalf of Mr. Granados Corona, who is seated to my  
9 left.

10 THE COURT: Good morning.

11 Mr. Granados Corona.

12 THE DEFENDANT: Good morning.

13 THE COURT: We are here today to impose sentence in  
14 the case of United States v. Efrain Granados Corona. In  
15 preparation for today's proceedings I have reviewed the  
16 presentence report, several submissions by the defense, as well  
17 as a sentencing submission by the government, victim impact  
18 statements from two victims, a proposed order of restitution,  
19 as well as a notice of intent to request judicial removal, the  
20 factual allegations in support and additional removal order of  
21 judicial removal.

22 Is there anything else I should have from the  
23 government?

24 MS. KELLY: No, your Honor.

25 THE COURT: Anything else on behalf of the defense?

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1 MR. MOSKOWITZ: No, your Honor.

2 THE COURT: To the extent I haven't already done so, I  
3 accept Mr. Granados Corona's plea of guilty.

4 Mr. Granados Corona, have you reviewed the presentence  
5 report with your attorney?

6 THE DEFENDANT: Yes.

7 THE COURT: And defense counsel, have you in fact  
8 reviewed the presentence report with your client?

9 MR. MOSKOWITZ: Yes, your Honor; with the assistance  
10 of an interpreter.

11 THE COURT: And counsel for the government, have you  
12 reviewed the presentence report?

13 MS. KELLY: Yes, your Honor.

14 THE COURT: Any objections to anything in the  
15 presentence report by the defense?

16 MR. MOSKOWITZ: No, your Honor.

17 THE COURT: By the government?

18 MS. KELLY: No.

19 THE COURT: Then I adopt the factual findings in the  
20 presentence report. Although I am no longer required to  
21 strictly adhere to the sentencing guidelines, I must consider  
22 the applicable guideline range when imposing sentence. The  
23 presentence report sets forth a guideline range of 235 to 293  
24 months based on a total offense level of 38, Criminal History  
25 Category I. I will note that there is also a 15-year mandatory

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1 minimum.

2 Any objection to that calculation by the government?

3 MS. KELLY: No, your Honor.

4 THE COURT: By the defense?

5 MR. MOSKOWITZ: No, your Honor.

6 THE COURT: Then I find that the guideline range is  
7 235 to 293 months.

8 I will hear from the parties regarding any issues they  
9 want to raise about the appropriate sentence, starting with  
10 defense counsel.

11 MR. MOSKOWITZ: Thank you, your Honor. May I take the  
12 podium?

13 THE COURT: Yes.

14 MR. MOSKOWITZ: Judge, I'm going to begin by stating  
15 the obvious. It is a serious case. The criminal conduct here  
16 was terrible. There is no excuse for the conduct. And,  
17 clearly, from the nature of the plea and the mandatory minimum,  
18 a significant sentence is appropriate and is going to be given,  
19 but I would suggest to the Court that a 15-year sentence is  
20 sufficient and not greater than necessary to accomplish the  
21 goals of 3553(a) and I begin by saying -- look -- for those of  
22 us who do this for a living and are in court all the time, we  
23 lose track, sometimes, and lose perspective on how long 15  
24 years is and an extremely large amount of time to spend in  
25 prison. I have tried to articulate in my letter to the Court

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1 it is particularly a long period of time given the conditions  
2 that Mr. Granados Corona has experienced since his arrest in  
3 2016, first in a Mexican prison -- and your Honor is well aware  
4 of conditions there just from reading newspapers and general  
5 knowledge, and then the conditions over the last three years or  
6 two and a half years here in the United States during COVID.  
7 Mr. Granados Corona was initially at the MCC and then at  
8 Westchester County Jail in conditions that have been difficult,  
9 very harsh, and at the MCC they were so bad they closed the  
10 place down. That's all that really needs to be said but I went  
11 into some length describing some of those conditions, and the  
12 courts in this district and in the Eastern District have  
13 realized, and your Honor has realized, that the conditions  
14 there were worse than they should have been and are deserving  
15 of some consideration at the time of sentencing.

16 With respect to the 3553(a) factors, first, just  
17 focusing on Mr. Granados Corona and his background, as I said,  
18 without -- I wouldn't even try to minimize the conduct but I  
19 think I tried in my letter to put Mr. Granados Corona's  
20 involvement in the case in some perspective for the Court given  
21 where he grew up, and his family.

22 Mr. Granados Corona grew up in Tlaxcala -- I think I  
23 got that right -- where the sex trafficking business is  
24 rampant. It is an area of extreme poverty.

25 Mr. Granados Corona grew up in extreme poverty and he had

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1 family members who were already in the business who brought him  
2 in. That is not in any way to excuse the behavior, but it  
3 certainly gives certain perspective as to how he got into the  
4 business in the first place.

5 With respect to the issue of punishment, clearly, 15  
6 years is a significant period of time and it is substantially  
7 more than your Honor has imposed on the co-defendants in this  
8 case so far. I have given the Court, in my letter, the  
9 statistics on that but, as I believe, if I am not mistaken, so  
10 far the longest sentence has been 137 months and even with the  
11 "more serious conduct" that Mr. Granados Corona was involved  
12 in, a sentence of 180 months was substantially more and more  
13 than enough to take into account the additional, more serious  
14 conduct, particularly when one considers the conditions under  
15 which that time is being served and will continue to be served.

16 With respect to the issues of deterrence, both  
17 specific deterrence and general deterrence, Mr. Granados Corona  
18 has basically been out of the business for a decade since back  
19 in Mexico. He is at an age where recidivism decreases. He is  
20 going to be deported and not come back to this country, and so  
21 15 years is more than enough to accomplish the specific  
22 deterrence of Mr. Granados Corona.

23 As for general deterrence, Judge, what I would suggest  
24 is anybody who can actually be deterred would think that 15  
25 years in prison is a sufficient time to consider in terms of

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1 deciding whether or not this behavior or its conduct should be  
2 risked, and certainly anybody who is aware of the conditions  
3 under which Mr. Granados Corona has served would say I'm not  
4 going to do what he did and serve time like he has served.

5 So, I think that the goals and objectives of 3553(a)  
6 can be accomplished with a mandatory minimum sentence of 15  
7 years and I would ask the Court to impose that.

8 Thank you.

9 THE COURT: Let me just ask defense counsel this. You  
10 have talked about the fact that Mr. Granados Corona' conduct is  
11 more egregious than that of the co-defendants and I certainly  
12 agree with that, but it is not simply that he engaged in more  
13 violent acts in terms of controlling these victims, but also  
14 the information in the presentence report that he trained  
15 others in ways to conduct this sex trafficking organization.

16 What do you have to say about that? How should I  
17 consider that?

18 MR. MOSKOWITZ: Judge, look. I was not in the case  
19 from the beginning, I did not litigate any of those issues, nor  
20 do I think I would want to. Mr. Granados Corona was in the  
21 business and just like somebody trained him as to what to do,  
22 he, as he stayed in the business, other people came in and he  
23 explained to them how it worked. There is no excuse for it, it  
24 is just a simple fact, that's the way the business worked.  
25 Your Honor can take that into consideration, obviously, but it

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1 is the nature of the business and not something unique to  
2 Mr. Granados Corona. When you are in the business long enough  
3 there are going to be younger people who come in behind you and  
4 they're going to ask the counsel of somebody who has been in  
5 this longer just as he did when he first got in the business.

6 Again, that is not to minimize it or excuse it, it is  
7 just the nature of the business.

8 THE COURT: OK. Thank you.

9 I will hear from the government.

10 MS. KELLY: Your Honor, I want to start by  
11 acknowledging one of the victims of the defendant who is here  
12 today. She is identified as Victim 10 in the indictment and in  
13 the presentence report, and with the Court's permission, she  
14 would like to speak. I am happy to have her speak now or at  
15 the conclusion of my remarks.

16 THE COURT: Let's go ahead and let her speak now.

17 MS. KELLY: And, your Honor, would it be permissible  
18 for her to speak from the witness stand? She is more  
19 comfortable with a little bit more distance from the defendant.

20 THE COURT: That's fine. She doesn't have do that,  
21 but if she would like to do that, that's fine. She can speak  
22 at the witness stand or she can go to the podium, or we could  
23 bring a microphone to her where she is right now, she wouldn't  
24 have to move.

25 MS. KELLY: Your Honor, she would prefer to go to the

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1 witness stand so I'm going to escort her there.

2 INTERPRETER: May the interpreter have a brief word  
3 with the witness? We haven't spoken yet.

4 THE COURT: Whenever you are ready you can just go  
5 ahead and speak.

6 VICTIM 10: Good afternoon, to everyone, and thank  
7 you, your Honor, for giving me this opportunity.

8 My name is Rosa Ramirez Rosales and I am here today  
9 because I wanted the Court to hear from me about the extreme  
10 abuse I suffered at the hands of Efrain Granados Corona.

11 MR. MOSKOWITZ: Judge, I'm sorry. I could not hear  
12 the translation.

13 THE COURT: Hold on just a second. She stated her  
14 name and indicated she is here today to talk about the extreme  
15 abuse that she suffered at the hands of Efrain Granados Corona.

16 I don't know if it is necessary for her name to be on  
17 the transcript, I don't think she needs to repeat that, but  
18 that is what she said. That is my recollection of what she  
19 just said.

20 Let me ask the interpreter to make sure that you use  
21 the cordless microphone. We will ask the interpreter to use  
22 the coreless microphone so everyone can hear the  
23 interpretation.

24 INTERPRETER: Yes, your Honor.

25 MR. MOSKOWITZ: Thank you, Judge.

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1                   INTERPRETER: I'm sorry, your Honor. Did you want the  
2 witness to start over or just continue?

3                   THE COURT: Continue.

4                   VICTIM 10: I was a victim of sex trafficking and  
5 forced prostitution because of Efrain. I met Efrain for the  
6 first time when I was 16 years old at a festival in my  
7 hometown, Puebla, Mexico. I had a very difficult and traumatic  
8 childhood. My father abandoned us when I was young only to  
9 return unexpectedly -- let's see, there is something missing  
10 here.

11                  Well, when I was 16 years old at a festival in my  
12 hometown Puebla, I had a very difficult and traumatic  
13 childhood. My father abandoned us when I was young, only to  
14 return unexpectedly years later. When he returned, he  
15 physically and sexually assaulted my mother.

16                  INTERPRETER: Interpreter's correction --

17                  My father suffered from depression and would neglect  
18 all of us and physically beat my brothers and he would also  
19 beat me. He suffered from drug addiction. I only attended  
20 school for two years and then started working at the age of 8.  
21 All of this made me vulnerable to trusting Efrain and I now  
22 believe he may have used me because he knew I was vulnerable.

23                  He met me and spent time with me in Puebla over the  
24 course of approximately eight weeks, during which time he began  
25 telling me that I deserved something better in life and that he

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1 could get me a job with his family's company that sold Mexican  
2 products in the United States. He told me that his family  
3 would help me procure a visa. I realized later on that all of  
4 this was a lie. Despite wanting to have a better life in the  
5 United States and despite his persistence, I resisted and  
6 stayed with my family. But then, about two months later, I got  
7 into an argument at home that escalated to physical abuse, and  
8 then I called Efrain and agreed to go with him to the United  
9 States. That decision claimed the course of my life and the  
10 phone call I made to Efrain haunts me to this day.

11                 The night I left home, Efrain raped me. After a  
12 couple of days he told me that he owed people money and that I  
13 could help him with his debts by being an escort. When I  
14 refused, he physically abused me and then he locked me up in a  
15 room for two days without food. When he let me out of the room  
16 he took me, against my will, to Mexico City. When I protested,  
17 he beat me and threatened to harm my family.

18                 For about five months he forced me to work as a  
19 prostitute in Mexico City which was a strange and unfamiliar  
20 place for me. Efrain forced me to work 17 to 18 hours a day  
21 performing sexual acts on up to eight men per day, even during  
22 my menstrual cycle. During this time, Efrain was physically  
23 and emotionally abused me. I remember some actions in  
24 particular when he beat me and kicked me all around the room to  
25 the point where I couldn't breathe. I tried to get away from

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1 his brutal attacks but he grabbed me by the hair and he  
2 forcefully dragged me around the room. He laughed at me while  
3 he was attacking me and he mocked me by saying that I was so  
4 bloody that I looked like Jesus Christ. Once he stopped  
5 beating me and left me to suffer through my injuries, I went to  
6 the bathroom and had a heavy discharge which I believe was a  
7 termination of my pregnancy as I was late on my menstrual  
8 cycle. These are only a few examples of the barbaric behavior  
9 I was subjected to for years and years before I could finally  
10 escape from Efrain.

11 After approximately five months in Mexico City, Efrain  
12 made arrangements for me to be smuggled across the border to  
13 the United States. After two attempts to smuggle me across the  
14 border, I was transported into the United States without being  
15 detected by border agents in June 2008. I was taken across to  
16 the other side of the border in Arizona with the help of  
17 coyotes. These are people who take other people across the  
18 border in exchange for a fee.

19 After walking for days, I found out that Efrain had  
20 arranged for a van to take me from Arizona to Tennessee, and  
21 then finally to Queens. They made arrangements for me to start  
22 working as a prostitute in order to repay the day after I  
23 arrived in New York what Efrain described as a debt that I owed  
24 to him. Over the next three years my life was a living  
25 nightmare. I was forced to work nearly every day performing

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1 sexual acts on many men every day. Initially Efrain's  
2 associates would take me to the clients but I was also later  
3 made to work at brothels located in Brooklyn, Queens,  
4 Manhattan, and Yonkers. I was occasionally sent on temporary  
5 assignments to see clients in other states including in  
6 Pennsylvania, Massachusetts, and the Washington, D.C. area. At  
7 the houses of prostitution, there were usually between five and  
8 10 men on site overseeing and managing the operation. I would  
9 typically arrive at a house in the morning between 8:00 a.m.  
10 and 11:00 a.m. and work until 8:00 p.m. or 9:00 p.m., sometimes  
11 seeing as many as 30 to 60 clients per day. On the busiest  
12 days I would make between \$1,000 and \$1,200. I was forced to  
13 give the money to Efrain and his associates and I was not  
14 allowed to keep any of it for myself. As a matter of fact,  
15 when Efrain was away from New York City, I was asked to send  
16 the money I received in exchange for sex sometimes by using a  
17 money transfer service. I could not hide or underreport the  
18 money that I earned because Efrain's associates, who ran the  
19 houses of prostitution, would let Efrain know how much money to  
20 expect. Efrain would come and go to New York but when he was  
21 in New York, he would physically and sexually assault me often  
22 and on a daily basis. When I would return from work, he would  
23 follow me into the shower and search my body while I was there  
24 to make sure that I was not hiding any money.

25 During this time, Efrain told me repeatedly that it

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would be useless to try to escape since I spoke no English and had no legal documents to work in the United States. He also told me that if I escaped, he would find me and shoot at me. He instructed me that if I was ever arrested or questioned by law enforcement, I should lie and say that I had a sick child in Mexico and that I was working independently as a prostitute to provide for the child.

I never wanted to be a prostitute. And I hated having to perform sexual acts for money. I was humiliated and treated worse than an animal in the years that Efrain forced me to work as a prostitute. I felt trapped without any hope for a better life. Even today, due to the years of abuse I have suffered, I still have many physical and mental health issues for which I have been receiving treatment. I am grateful that the Justice Department has found Efrain and I hope that he will not be able to do what he did to me to any other women. I hope that his punishment sends a strong message to people like Efrain that they will ultimately pay a very high price for trafficking women. For these reasons, I ask that you give Efrain the maximum sentence allowed.

Thank you all very much. And, there is something else I want to say. I believe in justice, it's in your hands, and I know that you will do justice as should be done. And all of us victims are one and I hope this will some day be over with. I'm the one who is here but all of us victims are as one. I

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1 hope that he stays a prisoner for the rest of his days and that  
2 he knows that what he did was no good. I'm sorry, but I'm very  
3 nervous and I hope that justice is done to him, the maximum.

4 THE COURT: OK. Thank you.

5 OK. Go ahead, counsel for the government.

6 MS. KELLY: Thank you, your Honor.

7 Your Honor has now presided over five additional  
8 sentencing in this case and I know that you are well familiar  
9 with the organization charged in the indictment and how it  
10 operated. We have previewed the defendant here today, his role  
11 in some of those prior sentencing. To be clear, the  
12 defendant, Efrain Granados Corona, was the leader of that  
13 organization, and so in many ways it is fitting that this is  
14 the last of the sentencing because much of what we have  
15 discussed before leads back to the defendant. He is the lead  
16 defendant in this case, he is the only defendant to plead  
17 guilty to a 15-year mandatory minimum sentence.

18 Despite the suggestion in the defendant's sentencing  
19 submission, the defendant was not brought into the organization  
20 here by his nephew or anyone else, he was its head, he trained  
21 his nephew and many others. He mocked and reprimanded the  
22 other traffickers when they weren't strict enough with their  
23 victims and when they weren't willing enough to mete out  
24 violence in response to perceived indiscretions. He organized  
25 driving delivery services, he had connections to brothels here

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1 in New York and all down the east coast.

2                   The defendant was no guileless follower. He was a  
3 violent, broodish trafficker who constructed and ruled over a  
4 web of Tenancingo and New York-based traffickers. He had ties  
5 to traffickers throughout New York and other cities and his  
6 victims were absolutely terrified of him, something that comes  
7 through clearly in the impact statements submitted and I want  
8 to make one note here about the statement we just heard in  
9 court, which is really a testament to the bravery of Victim 10  
10 speaking here today which was, clearly, no easy task.

11                  All of the defendant's victims were led by the same  
12 script, a script written by Efrain Granados Corona. They  
13 became involved with him personally under the guise of a  
14 relationship and then they were quickly forced into sexual  
15 slavery. When they disobeyed or even suggested the possibility  
16 of disobeying, sometimes when they didn't do anything at all,  
17 they were violently beaten, searched in the shower for hidden  
18 cash, forced into losing pregnancies. One victim held at  
19 gunpoint, another beaten brutally with a belt. All were raped.

20                  Your Honor, that is power. That is control. That is  
21 the definition of what it means to traffic by force, fraud, and  
22 coercion. The defendant speaks benignly of committing a  
23 mistake in his written statement submitted to the Court. That  
24 statement is an insult to the victims here because far from an  
25 isolated aberration, the defendant's conduct was pervasive, it

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1 took course over the duration of many years, almost 20, and it  
2 was reprehensible in every respect.

3 Now, the guidelines here, as noted by defense counsel,  
4 are quite high, and the government does not make this statement  
5 lightly but respectfully: The mandatory minimum sentence here,  
6 180 months, that sentence is not sufficient. That sentence is  
7 not even as long as the duration of the criminal conduct  
8 charged in this case, the defendant's criminal conduct, and it  
9 certainly does not come close to the duration of the impact of  
10 the defendant's crimes which are, clearly, life-long. The  
11 victims of these crimes are today not over what they went  
12 through. They will be dealing with them for the rest of their  
13 lives.

14 Finally, I want to speak briefly about specific  
15 deterrence. One thing that struck the government from the  
16 defendant's submission was the discussion about how pervasive  
17 trafficking is in the area of Mexico from which the defendant  
18 came. That is all true, Tenancingo is a hub of sex  
19 trafficking. Many, many people who have resided in Tenancingo  
20 and who have illegally come into the United States are engaged  
21 in illegal sex trafficking. However, the government does not  
22 consider that to be a mitigating circumstance, rather it  
23 underscores the need for specific deterrence here. The  
24 defendant is a businessman, a good one. He practiced the  
25 business of commercial sex by force for many years. That is

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1 essentially the only business he knows. And defense counsel is  
2 correct that at the end of the defendant's sentence he will  
3 return to Mexico. What the government is concerned about is  
4 that he will immediately go back into the business that he did  
5 so well, the business that everyone around him, the people he  
6 trained, his relatives, that they are also engaged in.

7 Preventing future harm is a real concern in this case, just as  
8 important as justice for the harm that's already been committed  
9 by the defendant.

10 For all of those reasons, the government respectfully  
11 submits that a guideline sentence here is not an overreach, it  
12 is appropriate, it reflects the extreme seriousness of the  
13 defendant's crimes and his role in the organization and in the  
14 conduct charged.

15 Unless your Honor has further questions, we will rest  
16 on our submission.

17 THE COURT: Let me ask this question. It is clear  
18 that the conduct here is egregious. The criminal justice  
19 system, however, is supposed to treat those in its care much  
20 better than leaders of sex trafficking organizations or drug  
21 trafficking organizations or people who have been involved in  
22 crime. The conditions of confinement that the defendant has  
23 endured at the MCC, while in custody here, and in custody in  
24 Mexico seem to me that that should mitigate this sentence  
25 somewhat.

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Again, I am not bound by the guidelines. Looking at the guidelines as they are, it very well may be that the starting point for my analysis before giving any sort of variance based on the conditions of confinement might be the top of the guidelines or maybe even above that, but let me get your sense of how it is that I should view that because it does seem to me that that is something that needs to be considered. And, it does seem to me that there is something that I should pay very close attention to. Obviously I am paying very close attention to the trauma that has been inflicted on all of these victims and the need for punishment and the need for general deterrence, the need for specific deterrence, and the need to promote respect for the law but let me hear the government's view on that, on the conditions of confinement.

MS. KELLY: So first, your Honor, with respect to the conditions of confinement in Mexico, the government is not in possession of independent information to either corroborate or dispute the information put forward by defense counsel so we are not going to take a position on that, we are not in a position to take a position.

The government can agree, though, that the conditions of confinement are a factor that are appropriately considered by your Honor. I think the question here is how to weigh that against the other factors that you mention and all of the 3553(a) factors. So, while the government agrees that it's an

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1 appropriate consideration I think here, on balance, given the  
2 extreme heinousness of the crime, the defendant's role, the  
3 impact on the victims, the need for general deterrence, the  
4 need to promote respect for the law, just the depravity of the  
5 conduct that we are talking about here which, respectfully,  
6 even if taken as true, all of the allegations about the  
7 conditions of confinement don't come close to the conditions  
8 under which the defendant's victims lived for many years.

9 I think, on balance, the government's position is that  
10 a guideline sentence is still warranted because of the full  
11 weighing of those factors.

12 THE COURT: OK. Thank you.

13 MS. KELLY: Thank you, your Honor.

14 THE COURT: Mr. Granados Corona, I will give you an  
15 opportunity to address me if you would like. You don't have to  
16 say anything, but if you would like to, I will give you that  
17 opportunity now.

18 THE DEFENDANT: Thank you for this opportunity that  
19 you are giving me.

20 This act for me is very embarrassing. During my life,  
21 I have committed many mistakes. I know that every human being  
22 has their virtues and their defects and I think that we all  
23 have the right to have a second chance. There are so many  
24 things that I can say to make me look good. I just want to say  
25 that all this time that I have spent in prison has been, for

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1 me, a positive change.

2 Even before going to prison, I had been looking for  
3 positive change. When I got to prison, I found a way of  
4 thinking, of acting, and of living that was different. For the  
5 long time I have lived I have tried to live a life in prison  
6 looking for a positive change. I have reconsidered every act  
7 and I have tried to become a useful person, and I have tried to  
8 have a very tight relationship, spiritual relationship, with  
9 God. It's not just me saying this, you can see my records. I  
10 have participated in biblical teachings in the jails where I  
11 have been. I have never had any fights in prisons during these  
12 over six years. Every day I have gathered groups in prison in  
13 order to make conscious acts to prepare ourselves to  
14 re-integrate into society. I know there are many points that  
15 make me seem as a bad person but in my heart there is no evil.

16 From the bottom of my heart, I would like to ask  
17 forgiveness of this great nation. I sincerely ask your  
18 forgiveness, your Honor. I ask forgiveness of Ms. Prosecutor  
19 and all of those who are here present. And, I request  
20 forgiveness to the madams that I have offended. My repentance  
21 is from my heart. Please, forgive me. And I ask forgiveness  
22 of my family for the shame and pain that I have caused them  
23 with my acts. I know this is a difficult process and I have  
24 been through difficult situations during these six years, the  
25 most difficult that a prisoner can go through. Because of my

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1 case, I have been discriminated against at the jails. And  
2 because of this pandemic, this COVID-19 that we are going  
3 through, I have lost many people close to me; I have lost a  
4 brother. And I was also in a difficult state. I contracted  
5 COVID. So many things that we have gone through. When I was  
6 arrested in my country I was tortured for approximately five  
7 hours. And today I have to take medications nowadays in order  
8 to be able to live a normal life. And those are many of the  
9 things we go through, consequences of the acts that we commit.

10 I am aware of the damage that I have caused. that I am  
11 also aware to never do this again. And, I feel prepared to be  
12 able to serve for all of God's creations. I request one more  
13 time forgiveness of all. Please, have compassion. I know this  
14 is a difficult act but from the bottom of my heart I am  
15 remorseful and, like everyone else, I know that I have family  
16 that needs me and that is waiting for me. I promise, from the  
17 bottom of my heart, never again to commit a bad act or cause  
18 damage to any other person or any other nation.

19 That is all. Thank you.

20 THE COURT: Thank you.

21 I have a question for the defense and I will pose the  
22 same question to the government. The guideline range ranges  
23 from, in terms of years, 19 years and seven months to 24 years  
24 and five months. I want to get counsel's view on -- again, I'm  
25 required to avoid unwarranted sentencing disparities.

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1 Certainly I believe that there should be a disparity between  
2 Mr. Granados Corona's sentence and the other people who have  
3 been sentenced in this case, his sentence should be higher, his  
4 sentence will be higher but, again, I am required to impose a  
5 sentence that is sufficient but not greater than necessary to  
6 meet the goals of sentencing and this case, obviously, cries  
7 out for a high sentence to reflect punishment for the offense  
8 and general, as well as specific, deterrence.

9           I want to hear from counsel briefly again about sort  
10 of the appreciable difference other than just the math in some  
11 of these ranges. 20 years, for example, sounds like a lot of  
12 time and it is a lot of time, but 20 years sounds more like a  
13 greater sentence than 19 years, more so than just that one year  
14 of difference. The difference between 20 and 19 sounds  
15 different than the difference between 18 and 17 but, again, I  
16 am required to impose a sentence that is sufficient but not  
17 greater than necessary.

18           Let me get a sense from counsel on the appreciable  
19 difference in term of the punishment for the offense, specific  
20 and general deterrence, promoting respect for the law between,  
21 say, 19 years and 20 years, for example. Let me hear from the  
22 defense and then I will hear from the government.

23           MR. MOSKOWITZ: I understand the semantic difference  
24 and the way it sounds. All I can say, Judge, is for those of  
25 us sitting on the outside, the difference between 19 and 20

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1 years, other than the way it sounds, what's an extra year at  
2 that level, so to speak, and it is easy to fall into that trap.  
3 But, for those on the inside, every day is hellish, to put it  
4 in no other way. I would like to -- we would like to think  
5 that prison can have a salutary effect and, in fact,  
6 Mr. Granados Corona has made some use of his time in prison and  
7 that's great. But the reality is our prison system doesn't  
8 rehabilitate people in any meaningful fashion in most cases.  
9 That model -- maybe it used to be a model but it is not really  
10 anymore. We warehouse people, we don't give them any greater  
11 skills when they get out, by and large, we are not doing  
12 anything other than keeping them confined and there is a  
13 reason -- and obviously in some cases maybe even in this case  
14 there is a need for the deterrence, and the specific and both  
15 general deterrence, but I think the Court should put aside the  
16 way things sound and really focus on the reality that every  
17 week, every month, certainly every year in prison, is very  
18 difficult and, in many respects, torturous. And for  
19 Mr. Granados Corona, who is completely isolated because he is  
20 not in his country and because his family can't come visit him,  
21 certainly not on a regular basis -- he has no had visitors  
22 since he has been here -- there is a big difference between 19  
23 and 20 years, even more than what it sounds like.

24 THE COURT: OK. Let me hear from the government.

25 MS. KELLY: Your Honor, a few things to consider here.

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I think we have talked about the defendant's role in the organization and in the offense, and just to highlight a few things that I think factor into how the defendant is differently situated from the other defendants in the case who have been sentenced, so this goes more to that rather than to the specific difference between a 19-year sentence and 20. As I mentioned earlier, he is the only defendant who pled to a 15-year mandatory minimum, and part of the reason for that is that it reflects his role in the offense and how much more serious his conduct was than some of the other defendants in the case.

There are three victims who he took responsibility for as part of that plea. There are other victims who are mentioned in the impact statements that you received. One of the three victims covered by the plea agreement was a minor, so he is one of the two defendants who have been sentenced, including himself today, who have pled guilty to trafficking a minor, and he pled guilty to trafficking by force, fraud, and coercion, which is the most serious of the sex trafficking offenses in the indictment. So, he pled to the top charge in the indictment, he pled to the most victims out of everyone who has pled in the case, and I think that that is reflective of his conduct and how he is differentiated from the other defendants who have been sentenced thus far.

With regards to the length of the sentence here and

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1 what is going to be imposed today, for context, the defendant  
2 is almost 47 years old, I think his birthday is coming up next  
3 week. So, even with a 20-year sentence, with credit for good  
4 time, he would be 64 when he was released. If you take it down  
5 to a 15-year sentence, the mandatory minimum in this case, he  
6 would be 59 and three quarters, so soon to be turning 60. Now,  
7 that might not seem like a huge difference but in terms of  
8 specific deterrence it does matter because although he is  
9 middle aged now, it is not that far away. And the government's  
10 concerns about him returning to the conduct that he was engaged  
11 in remain true and I think are even more concerning if he is  
12 released before he is 60.

13 Now, at some point we are just looking at numbers, we  
14 are projecting, obviously this is speculation and we have no  
15 certainties but, that said, given the length and the duration  
16 of the defendant's conduct preceding his arrest in the  
17 indictment and in this case and the general likelihood of  
18 people in this business to return to it after being released  
19 from prison, as well as the environment that he is going to  
20 return to when he is deported which is a certainty, I think it  
21 is a difference that is worth considering and whether 15 years  
22 and his release when he is 59 is really sufficient to prevent  
23 him from engaging in further conduct.

24 THE COURT: OK. Thank you. I will be right back.

25 (Recess)

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1                   THE COURT: Is there any reason why sentence should  
2 not be imposed, counsel for the defense?

3                   MR. MOSKOWITZ: No, your Honor.

4                   THE COURT: Counsel for the government?

5                   MS. KELLY: No, your Honor.

6                   THE COURT: Mr. Granados Corona, are you satisfied  
7 with your legal representation up to this point?

8                   THE DEFENDANT: Yes.

9                   THE COURT: I have the authority to depart from the  
10 guidelines. I have the authority to vary from the guidelines  
11 as well and I have considered all the factors in 18 U.S.C.  
12 3553.

13                  First, regarding restitution, I have a proposed order  
14 of restitution. What is the defense's view on this?

15                  MR. MOSKOWITZ: Your Honor, we are not going to object  
16 to the proposed order.

17                  THE COURT: OK. Then I will enter this proposed order  
18 of restitution in the amount of \$2,004,450. In the incidence  
19 the restitution does indicate victim's names, I will have that  
20 filed under seal. I will enter restitution in that amount.

21                  What is the government's view on forfeiture?

22                  MS. KELLY: We are not requesting forfeiture, your  
23 Honor.

24                  THE COURT: I will impose the \$100 special assessment.  
25 I will not impose a fine.

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I also have before me a proposed order of judicial removal. There is a notice of intent to request judicial removal. There is also factual allegations in support of judicial removal attached to this, as well as the defendant's release statement in support of judicial removal, it is signed today.

Mr. Granados Corona, did you sign this plea regarding judicial removal today?

THE DEFENDANT: Yes.

THE COURT: And did you discuss this with your attorney?

THE DEFENDANT: Yes. This is what was related to me signing so that I would be deported immediately after I finished doing my time.

THE COURT: OK. And do you consent to this order of judicial removal?

THE DEFENDANT: Yes.

THE COURT: Then I will sign the order of judicial removal.

Regarding custody, the conduct in this case is egregious. The victims have endured severe trauma as a result of Mr. Granados Corona's actions and there is a strong need for punishment and a need to promote respect for the law and a need for general and specific deterrence, and also a need to protect the public. Given those concerns, starting off at the top or

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even above the guideline range would be appropriate given the conduct in this case. However, Mr. Granados Corona has suffered under extremely harsh circumstances and conditions of confinement. This is not to compare the suffering that he has endured while confined to the extreme suffering that the victims have endured but that's not -- what's important here is conditions of confinement when he is in the criminal justice system are supposed to be better than what he has endured. What he has endured in Mexico and what he has endured here under the COVID-19 pandemic, those conditions justify a downward variance. In addition, the fact that he is going to be deported and has consented to a judicial order of removal also justify the sentence that I am going to impose. I am considering the fact that he entered the judicial order of removal as part of the basis for this sentence but the variance in this case is confined to the conditions of confinement.

I am required to avoid unwarranted sentencing disparities. As the government has pointed out, there is a disparity between his sentence and the sentence of his co-defendants but that disparity is not unwarranted for all the reasons laid out by the government. I am required to impose a sentence that is sufficient but not greater than necessary to meet the goals of sentencing and this variance, regarding the conditions of confinement, is in no way to be construed in any way minimizing the trauma that the victims have suffered and I

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1 thank the victim for her written statement and for her  
2 statement here today. I know that that wasn't easy for her. I  
3 am going to impose a sentence slightly below the guideline  
4 range, ever so slightly below the guideline range, and I will  
5 impose a sentence of 228 months of custody. That will be  
6 followed by five years of supervised release. Regarding the  
7 conditions of supervised release -- and he is going to be  
8 deported -- but in an abundance of caution I will impose  
9 supervised release and these conditions, I will impose the  
10 mandatory conditions as set forth in the presentence report, as  
11 well as the standard conditions as set forth in the presentence  
12 report.

13                 Regarding special conditions, I impose a special  
14 condition that he not have contact with the victims in this  
15 case. This includes any physical, visual, written, or  
16 telephonic contact with such persons. Additionally, he must  
17 not cause or encourage anyone else to have contact with the  
18 victims. He must provide the probation officer with access to  
19 any requested financial information. He should be supervised  
20 by the district of residence. I will impose the search  
21 condition as set forth in the presentence report. He shall  
22 submit his person and any property to a search by any United  
23 States probation officer and, if needed, with the assistance of  
24 any law enforcement. Probation has requested a special  
25 condition that he not have deliberate contact with any child

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1 under 18 years of age unless approved by the United States  
2 probation office.

3 Let me hear from counsel on this. What is the  
4 government's view on that?

5 MS. KELLY: The government has no dispute with the  
6 imposition of that condition even though it probably will not  
7 come to be, but given that the defendant pled guilty to an  
8 offense that involved minors, it seems appropriate.

9 THE COURT: Defense counsel?

10 MR. MOSKOWITZ: Judge, I think it's a little difficult  
11 to make that kind of blanket restriction. Relatives, family  
12 members, neighbors. To say no contact with anybody under the  
13 age of 18, first of all, I don't know that it is enforceable in  
14 a meaningful way. Second of all, I think it just sweeps too  
15 broadly. If he were to be in the United States it would still  
16 seem too broad.

17 THE COURT: The condition would give him the  
18 opportunity to associate with minors with the approval of the  
19 probation department, so probation could certainly approve any  
20 contact with relatives and the like, neighbors and the like. I  
21 will, based on the circumstances of the offense, impose that  
22 condition as well, that he must not have deliberate contact  
23 with any child under 18 years of age unless approved by the  
24 United States probation office.

25 He must not loiter within a hundred -- well, I think

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1 that that first part makes sense the second portion, not  
2 loitering within a hundred feet of a place regularly frequented  
3 by children under the age of 18 seems like that may be a little  
4 difficult to actually monitor if he is in New York and he is  
5 going to be deported, but what is the government's view on  
6 that.

7 MS. KELLY: We don't object to striking that portion,  
8 your Honor.

9 THE COURT: OK. So, I will strike the rest of that  
10 paragraph, the portion dealing within a hundred feet of places  
11 regularly frequented by children under the age of 18 or  
12 accessing any web profile of a user under the age of 18, etc.  
13 So, the only part of that paragraph that I will impose is that  
14 he must not have any deliberate contact with any child under  
15 the age of 18, unless approved by the United States probation  
16 office.

17 Again, if I didn't mention this already, I impose the  
18 \$100 special assessment.

19 Are there any open counts?

20 MS. KELLY: We move to dismiss the underlying  
21 indictment, your Honor. So, he pled to the S2 indictment, so  
22 the initial indictment and the S1 indictment can be dismissed.

23 THE COURT: That is granted.

24 Is there anything else before I advise  
25 Mr. Granados Corona of his statutory right to appeal, counsel

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1 for the defense?

2 MR. MOSKOWITZ: Yes, your Honor. Two matters.

3 Number one, I would ask that the Court, in its  
4 judgment, make clear that Mr. Granados Corona should receive  
5 credit for the time he spent in jail in Mexico because if the  
6 Court doesn't say that that is -- that the sentence should run  
7 from the time of his arrest, the Bureau of Prisons would not  
8 necessarily calculate that time as counting towards his  
9 sentence.

10 And secondly, I would ask that the Court recommend a  
11 facility perhaps in Texas close to Mexico so that if his family  
12 can enter the country legally they can come visit him.

13 THE COURT: OK. What is the government's view on  
14 those requests?

15 MS. KELLY: Your Honor, the defendant had not been  
16 extradited when he was serving time or --

17 MR. MOSKOWITZ: I'm sorry?

18 THE COURT: Make sure you speak into the microphone so  
19 defense can hear.

20 MS. KELLY: The defendant had not been separated, he  
21 did not consent to extradition, he was not brought here when he  
22 was detained in the Mexican jail. It is our intention that the  
23 sentence imposed takes account for the fact that he did serve  
24 time in Mexico but that he does not receive credit from that  
25 sentence or that time served in Mexico. That's my

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1 understanding of how BOP would calculate the sentence and we  
2 don't think he should receive credit for time pre-extradition  
3 in this case.

4 THE COURT: Defense counsel?

5 MR. MOSKOWITZ: Judge, if he is not receiving credit  
6 for that time it is essentially an extra 18 months, so the  
7 sentence then that the Court would be imposing would actually  
8 be 246 months rather than 228 months. I think it is about 18  
9 months that he was in Mexico, picked up on this charge, but not  
10 brought back to the United States yet.

11 THE COURT: To be clear, what is it defense counsel is  
12 asking me to do?

13 MR. MOSKOWITZ: What I am asking the Court to put in  
14 the judgment is that the 228 months begins from the date of his  
15 arrest in Mexico so that he will receive credit for that time  
16 against the sentence, because otherwise he will not.

17 MS. KELLY: Your Honor, I am not sure that the Court  
18 has authority to have that time credited to the defendant's  
19 sentence and that has not been how the sentences have been  
20 imposed for all of the other defendants in the case.

21 MR. MOSKOWITZ: Judge, I have had many defendants from  
22 foreign countries where the Judges have recognized that when  
23 they're picked up on a United States warrant and not brought  
24 here because of the bureaucracy and the procedures that have to  
25 be followed, that that is part of the sentence. It doesn't

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1 make any sense not to -- he was arrested on the United States  
2 charges, which he was. He didn't fight extradition, he just  
3 wasn't brought here. And, he is in prison on the United States  
4 charges. It takes time to bring him here, that should be part  
5 of his sentence.

6 THE COURT: Well, it is important that we get this  
7 portion of the sentence correct and I think that we are going  
8 to need to adjourn and have counsel look into this and have  
9 counsel submit something within a week and we can see because,  
10 again, I'm not sure off the top of my head everything that  
11 counsel is saying is correct. So, it may be that we need to  
12 adjourn the sentencing without a date, have counsel submit  
13 something, and then we can get back to this later.

14 What is counsel's view on that?

15 MS. KELLY: I would make a suggestion, your Honor. I  
16 think it is appropriate for your Honor to consider whether to  
17 provide credit in some fashion and to fashion a sentence  
18 accordingly for that time spent in Mexican detention, meaning  
19 that if you wanted to have him get credit and you did not  
20 already take that into account in imposing the sentence, you  
21 could subtract a certain amount of time from the sentence being  
22 imposed. And to clarify, what I was saying is that I don't  
23 think there is authority to have BOP credit time spent that  
24 wasn't part of the criminal process in the United States, which  
25 doesn't start until he is extradited.

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1           To the extent your Honor wants authority or a letter  
2 on that, whether you have the authority to do that, we can do  
3 that, but I do think you would be able to impose sentence  
4 today.

5           THE COURT: All right. Thank you. Sorry, I didn't  
6 mean to cut you off.

7           MS. KELLY: That's fine, your Honor.

8           MR. MOSKOWITZ: Judge?

9           THE COURT: Hold on. Hold on. Hold on. You might be  
10 winning this, you may want to stop.

11          MR. MOSKOWITZ: I'll stop.

12          MS. KELLY: Your Honor, can I briefly -- our case  
13 agent is in the room. I want to clarify whether he was facing  
14 charges in Mexico as well when he was arrested there. Would  
15 your Honor mind if I briefly asked our agent that question?

16          THE COURT: OK. And if you can, can you also verify  
17 the date?

18          MS. KELLY: That he was arrested?

19          THE COURT: In Mexico, yes.

20          MS. KELLY: OK.

21          (Counsel conferring)

22          MS. KELLY: Your Honor, as stated in the PSR in  
23 paragraph 20, the defendant was arrested in Mexico on October  
24 26, 2016. It is our understanding from the case agent that  
25 there were not separate charges filed in Mexico at that time

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1 and the principal reason being that he had been charged in the  
2 United States. Of course, as described by both the victims and  
3 in the PSR, there were many additional acts that occurred in  
4 Mexico that were not encompassed in our indictment.

5 THE COURT: OK. And he was brought to the United  
6 States on April 24, 2018; is that correct?

7 MS. KELLY: That's correct, your Honor. 26th, your  
8 Honor, April 26th.

9 THE COURT: OK. April 26th.

10 And it is the government's contention and the  
11 defendant's contention that at this point he would not be  
12 getting any credit in terms of his sentence here for the time  
13 that he spent in Mexico, that approximate 18 months; is that  
14 correct?

15 MS. KELLY: That is correct, your Honor. I think  
16 whenever someone is arrested outside of the country, the time  
17 before extradition is not credited towards their sentence.

18 THE COURT: OK. Then here is what I will do. I will  
19 modify the sentence to give him a lot of credit for the time  
20 that he spent in Mexico due to the, again the nature of the  
21 charges and the seriousness of the offense and the other things  
22 that I have stated. I am not going to give him credit for all  
23 18 months in terms of the sentence, but I will credit him for  
24 16 months of that 18 months and I will reduce his sentence to  
25 212 months. So, the variance is based on the conditions of

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1 confinement that he has faced in Mexico and in the United  
2 States, as well as the time that he spent in Mexico awaiting  
3 extradition. So, the sentence is 212 months of custody. With  
4 that correction, is there anything else before I advise  
5 Mr. Granados Corona of his statutory right to appeal, counsel  
6 for the government?

7 MS. KELLY: Not from the government, your Honor.

8 THE COURT: And I will make the recommendation  
9 regarding a facility.

10 Anything else from the defense?

11 MR. MOSKOWITZ: No, your Honor. Thank you.

12 THE COURT: Does the government have any objection to  
13 me recommending the Bureau of Prisons incarcerate him in a  
14 facility in Texas close to the Mexican border?

15 MS. KELLY: No, your Honor.

16 THE COURT: I will recommend that Mr. Granados Corona  
17 be incarcerated in a facility in Texas close to the Mexican  
18 border.

19 Mr. Granados Corona, you have a statutory right to  
20 appeal. Your time and ability to file notice of appeal, you  
21 should talk to your lawyer about that. If you cannot afford to  
22 hire an attorney to have someone prosecute the appeal, the  
23 Court will give you an attorney for free.

24 Do you understand?

25 THE DEFENDANT: Yeah.

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1 THE COURT: OK. We are adjourned. Thank you.

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